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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,738	11/01/2006	Takeshi Kodu	8048-1179	1231

466 7590 03/21/2011  
YOUNG & THOMPSON  
209 Madison Street  
Suite 500  
Alexandria, VA 22314

EXAMINER
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SHEN, KEZHEN

ART UNIT	PAPER NUMBER
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2627

NOTIFICATION DATE	DELIVERY MODE
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03/21/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/590,738	<b>Applicant(s)</b> KODA ET AL.	
	<b>Examiner</b> KEZHEN SHEN	<b>Art Unit</b> 2627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6.9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6.9 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/5/2010 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to claim 6-9 and 11 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motohashi et al. US 2003/0202782 A1 and further in view of Shoji et al. US 2003/0137915 A1.

Regarding claim 6, Motohashi et al. teach an information recording apparatus comprising: a writing device capable of writing record information onto an information

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recording medium (1 of Fig. 1, [0079] – [0080]) comprising a first recording layer (2 of Fig. 1, [0081]), on which a lead-in area, a data area and lead-out area are disposed in this order from an inner circumferential side to an outer circumferential side (211, 221-1, 221-2, 221-N and 232 of Figs. 3 and 4, [0090] – [0091]), a first controlling device (13 of Fig. 1, [0084]) for controlling said writing device to write the record information into the first recording layer from the inner circumferential side to the outer circumferential side ([0086] CPU used to perform recording), a second controlling device for controlling said writing device to write a predetermined amount of buffer data on one portion of the lead-out area of the first recording layer which is on an outer circumferential side of the record information written in an area portion of the first recording layer at which the recording direction is turned-around ([0086], controls operations performed by the CPU, Lead Out of Fig. 3, [0090], Buffer Zone 3 of Fig. 5, S11 and S12 of Fig. 8, [0107]) and a third controlling device for controlling said writing device to add buffer data an other portion of the lead-out area of the first recording layer (13 of Fig. 1 [0086], Fig. 8, [0101] – [0108], 235 of Fig. 13, [0112] buffer zone may be added after the outer session), wherein, said second controlling device responds to a first border close instruction after the record information is recorded over the first and second recording layers (Figs. 8 and 13 [0101] – [0108], [0112] – [0113]), and said third controlling device responds to a finalize instruction (Figs. 8 and 13, [0101], [0112] - [0113]). Motohashi et al. fail to teach a first on which a lead-in area, a data area and a middle area are disposed in this order from the inner circumferential side to the outer circumferential side; and a second recording layer, on which a middle area, a data area and a lead-out area are disposed

in this order from the outer circumferential side to the inner circumferential side; first controlling device for controlling said writing device to write the record information into second recording layers and a second controlling device for controlling said writing device to write a predetermined amount of buffer data on both of an outer circumferential side of the record information written in a area portion of the first recording layer at which the recording direction is turned-around and an outer circumferential side of the record information written in a area portion of second recording layers at which the recording direction is turned-around and second controlling device for controlling said writing device to write the record information into the second recording layer from the outer circumferential side to the inner circumferential side, after the recording of the first recording layer is finished, while a recording direction is turned-around, and a third controlling device for controlling said writing device to add buffer data on an other portion of the middle area of each of the first and second recording layers.

However, in the same field of endeavor, Shoji et al. teach a method of reading a dual-layer disc in an opposite track path fashion, further including a middle area which switch over point from other middle area of the first information layer to the second information layer is completed (Fig. 5C, [0111]). Shoji et al. also teach a method of writing a buffer area after recording data to the disc (1105 of Fig. 6B, [0135]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of a recording a predetermined buffer on an outer circumferential side of the record information as taught by Motohashi et al. with the

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teachings of a dual-layer disc which includes a switch over point prior to a buffer zone area as taught by Shoji et al. to form a dual layer disc with predetermined area on an outer circumferential side of the first and second recording layer at which the recording direction is turned around for the benefit of a higher data capacity (Shoji et al. [0005]).

Regarding claim 9, the limitations have been analyzed and rejected with respect to the reasons as set forth above in claim 6.

Regarding claim 11, Motohashi et al. teach the information recording apparatus according to claim 6, wherein said writing device includes a single pick-up device (4 of Fig. 1, [0080], [0082] pickup unit).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEZHEN SHEN whose telephone number is (571)270-1815. The examiner can normally be reached on 10am-6pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571)272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kezhen Shen/  
Examiner, Art Unit 2627

/Joseph H. Feild/  
Supervisory Patent Examiner, Art  
Unit 2627